

TAB 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SRU BIOSYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-201-SLR
)	
DOUGLAS S. HOBBS,)	
JAMES J. COWAN, and)	
COHO HOLDINGS, LLC,)	
)	
Defendants.)	

**UNOPPOSED MOTION FOR ENTRY OF AN ORDER PURSUANT TO 35 U.S.C
§ 256 TO CORRECT THE INVENTORSHIP OF U.S. PATENT NO. 6,870,624**

Plaintiff SRU Biosystems, Inc. moves this Court for an Order pursuant to 35 U.S.C. § 256 to correct U.S. Patent No. 6,870,624 to add Dr. Brian Cunningham as an inventor. The Defendants do not oppose this Motion

SRU Biosystems, Inc. ("SRU") initiated this action against Defendants Douglas Hobbs ("Hobbs"), James J. Cowan ("Cowan") and CoHo Holdings, LLC ("CoHo") under 35 U.S.C. § 256. Count I of SRU's Complaint seeks an Order from this Court that corrects U.S. Patent No. 6,791,757 ("the '757 patent") and U.S. Patent No. 6,870,624 ("the '624 patent") by adding SRU's Chief Technology Officer, Dr. Brian Cunningham ("Cunningham"), as an inventor on the patents. (D.I. 1, Count I).

Hobbs and Cowan currently are named as the inventors on the '624 and '757 patents. They assigned their interests in the patents to CoHo. In resolution of this litigation, the parties executed a Settlement Agreement ("Agreement") in which CoHo assigned to SRU all of CoHo's right, title and interest in the '624 patent. Also in accordance with the Agreement, CoHo retains ownership in the '757 patent, but will

abandon claims 20-30 of that patent. Accordingly, no action from the Court is necessary with regard to the '757 patent.

Pursuant to 35 U.S.C. §256, this Court has the power to correct errors in inventorship in U.S. patents:

Whenever ... through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his part, the Director [of the U.S. Patent and Trademark Office] may ... issue a certificate correcting such error. The court before which such matter is called into question may order correction of the patent on notice and hearing of all parties concerned and the Director shall issue a certificate accordingly.

35 U.S.C. § 256.

Hobbs and Cowan executed Declarations pursuant to 35 U.S.C. §256 and 37 C.F.R. 1.324 stating that they have no disagreement with regard to the addition of Cunningham as an inventor on the '624 patent. (See Ex. A and B, hereto). Hobbs, Cowan and CoHo do not object to the entry of an Order correcting the inventorship on the '624 patent.

Accordingly, SRU requests that the Court enter an Order in the form attached that corrects the inventorship on U.S. Patent No. 6,870,624 patent by adding Dr. Brian Cunningham as an inventor.

ASHBY & GEDDES

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